

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

MICHAEL J. JOHNSON,	)	No. ED102804
	)	
Appellant,	)	Appeal from the Circuit Court of
	)	the City of St. Louis
vs.	)	1322-CC00744
	)	
STATE OF MISSOURI,	)	Honorable Robin R. Vannoy
	)	
Respondent.	)	Filed: April 26, 2016

Michael J. Johnson appeals the judgment denying his Rule 29.15 motion for post-conviction relief. Because we find that Johnson's amended motion was untimely, we reverse and remand to the motion court to determine whether Johnson was abandoned by post-conviction counsel.

REVERSED AND REMANDED.

DIVISION THREE HOLDS: Johnson's amended motion was untimely and the motion court should have determined whether Johnson was abandoned by his post-conviction counsel before determining the merits of the amended motion. Because it failed to conduct this inquiry and did not also consider the claims made in Johnson's original pro se motion, we must reverse and remand for the motion court to determine whether post-conviction counsel abandoned Johnson.

Opinion by: James M. Dowd, J.

Robert M. Clayton III, P.J., Lawrence E. Mooney, J. concur

Attorney for Appellant: Rosalynn Koch

Attorney for Respondent: Robert J. (Jeff) Bartholomew

<p><b>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</b></p>
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